

DRAFT

**State of California
AIR RESOURCES BOARD**

**AMENDMENTS TO TITLE 13, CALIFORNIA CODE OF REGULATIONS,
CHAPTER 2, ARTICLES 2.1 – 2.3.
PROCEDURES FOR IN-USE VEHICLE
VOLUNTARY AND INFLUENCED RECALLS;
PROCEDURES FOR IN-USE VEHICLE ORDERED RECALLS;
AND IN-USE VEHICLE ENFORCEMENT PROCEDURES.**

NOTE: These amendments encompass revisions to Sections 2111, 2112, 2137, 2139, and 2140 of Title 13, California Code of Regulations. Proposed additions to the text are indicated by underline and deletions by ~~strikeout~~.

The modifications are being made to make Chapter 2, Article 2.1 – 2.3 applicable to off-road compression-ignition engines, and do not materially alter the requirements, rights, responsibilities, conditions or prescriptions applicable to other covered vehicles set forth in the modified articles.

Amend Chapter 2, Articles 2.1 – 2.1, Title 13, California Code of Regulations to read as follows:

**Article 2.1. Procedures for In-Use Vehicle
Voluntary and Influenced Recalls**

2111. Applicability.

(a) These procedures shall apply to:

(1) California-certified 1982 and subsequent model-year passenger cars, light-duty trucks, medium-duty vehicles, heavy-duty vehicles, motorcycles, and California-certified 1997 and subsequent model-year off-road motorcycles and all-terrain vehicles, including those federally certified vehicles which are sold in California pursuant to Health and Safety Code 43102, ~~and~~

(2) California-certified motor vehicle engines used in such vehicles and

(3) California-certified 2000 and subsequent model-year off-road compression-ignition engines.

(b) – (c) No change.

2112. Definitions.

(a) – (k) No change.

(l)

(1) – (20) No change.

(21) For 2000 and later model year off-road compression-ignition engines, for oxides of nitrogen, hydrocarbon, oxides of nitrogen plus non-methane hydrocarbon (when applicable), carbon monoxide, particulate emission standards, and for smoke opacity:

(i) For all engines rated under 25 horsepower, and for constant speed engines rated under 50 horsepower with rated speeds greater than or equal to 3,000 revolutions per minute, a period of use of five years or 3,000 hours of operation, whichever first occurs;

(ii) For all other engines rated at or above 25 horsepower and under 50 horsepower, a period of use of seven years or 5,000 hours of operation, whichever first occurs;

(iii) For engines rated at or above 50 horsepower, a period of use of ten years or 8,000 hours of operation, whichever first occurs.

(m) – (n) No change.

Appendix A To Article 2.1

California In-Use Vehicle Emission-Related Recall Procedures, Enforcement Test Procedures, and Failure Reporting Procedures for 1982 and Subsequent Model-Year Passenger Cars, Light-Duty Trucks, Medium-Duty Vehicles, Heavy-Duty Vehicles and Engines, ~~and~~ motorcycles, ~~and~~ 1997 and Subsequent Model-Year Off-Road Motorcycles and All-Terrain Vehicles, and 2000 and Subsequent Model-Year Off-Road Compression-Ignition Engines.

Vehicle and Engine Parameters, Components, and Specifications

No further changes.

2113	No change.
2114	No change.
2115	No change.
2116	No change.
2117	No change.
2118	No change.
2119	No change.
2120	No change.
2121	No change.

Article 2.2. Procedures for In-Use Ordered Recalls

2122	No change.
2123	No change.
2124	No change.
2125	No change.
2126	No change.
2127	No change.
2128	No change.
2129	No change.
2130	No change.
2131	No change.
2132	No change.
2133	No change.
2134	No change.
2135	No change.

Article 2.3. In-Use Vehicle Enforcement Test Procedures

2136 No change.

2137. Vehicle and Engine Selection

(a) Any vehicle of an engine family, ~~or~~ any vehicle of a sub-group of an engine family, or any engine used in a piece of equipment, manufactured for sale in California, shall be subject to these test procedures during its useful life. A minimum of ten (10) in-use vehicles or engines determined by the ARB to be properly maintained and used will be procured and tested by the ARB or its designated laboratory to represent the emission characteristics of the engine family or sub-group. The ARB may test less than ten (10) in-use vehicles or engines if the manufacturer notifies the ARB in writing that the manufacturer will accept the results from less than ten (10) vehicles or engines as being representative of the engine family sub-group.

(b) No vehicle or engine shall be accepted by the ARB as a representative vehicle or engine for enforcement testing unless the following criteria are met:

(b)(1)-(6) No change.

(7) For off-road compression-ignition engines are subject to recall testing, engines shall have an hour meter indication and engine age not exceeding the periods noted.

(i) For all engines rated under 25 horsepower, and for constant speed engines rated under 50 horsepower with rated speeds greater than or equal to 3,000 revolutions per minute, four years or 2,250 hours of operation, whichever first occurs.

(ii) For all other engines rated at or above 25 horsepower and under 50 horsepower, five years or 3,750 hours of operation, whichever first occurs.

(iii) For all engines rated at or above 50 horsepower, seven years or 6,000 hours of operation, whichever first occurs.

2138 No change.

2139. Testing.

(a) – (f) No change.

(g) For off-road compression-ignition engines, in-use compliance tests shall be performed pursuant to Section 2423, Title 13, California Code of Regulations. The in-use compliance testing shall use the same test procedure utilized for the specific engine's original certification testing.

~~(g)~~(h) For any emission in-use compliance test performed pursuant to subsections (a) through ~~(f)~~(g), the ARB may waive a specific test for subsequent vehicle samples if results from vehicle samples already tested are deemed sufficient to establish complying emission levels. The ARB shall inform the manufacturer at least 30 days prior to

enforcement testing of its vehicles or engines and shall permit a manufacturer representative to observe the enforcement testing.

2140. Notification and Use of Test Results.

(a) No change.

(b) If the results of the in-use vehicle emission tests conducted pursuant to Section 2139 indicate that the average emissions of the test vehicles for any pollutant exceed the applicable emission standards specified in Title 13, California Code of Regulations, Sections 1960.1, 1956.8, 1958, ~~or 2412~~, or 2423, the entire vehicle population so represented shall be deemed to exceed such standards. The Executive Officer shall notify the manufacturer of the test results and upon receipt of the notification, the manufacturer shall have 45 days to submit an influenced recall plan in accordance with Sections 2113 through 2121, Title 13, California Code of Regulations. If no such recall plan is submitted, the Executive Officer may order corrective action including recall of the affected vehicles in accordance with Sections 2122 through 2135, Title 13, California Code of Regulations.